

To THE  
COURT



CC 04-347

# Motion To Dismiss THE INDICTMENT

GRAND JURY NO: 503-504-507-508-509-

STATE OF ALABAMA FILED IN OFFICE  
V. OCT 27 2004

CASE NO: LC-2003-412, -419, -417

LARRY EARL JONES  
By A. P. [Signature]

STATE OF ALABAMA  
IN THE CIRCUIT COURT  
OF COVINGTON COUNTY

THE DEFENDANT LARRY EARL JONES (PRO, SE), MOVES THAT  
THE INDICTMENT BE DISMISSED ON THE FOLLOWING GROUNDS;

1. THE INDICTMENT DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE AN OFFENSE.
2. THE INDICTMENT IS LEGALLY INSUFFICIENT IN THAT; DEFENDANT OBJECTIONS TO THE VENIRE, THE LACK OF LEGAL QUALIFICATIONS OF AN INDIVIDUAL GRAND JUROR, THE LEGAL INSUFFICIENCY OF THE INDICTMENT, AND FAILURE OF THE INDICTMENT TO CHARGE AN OFFENSE, ON JUNE 22, 2004, COUNT ONE, COUNT TWO, WHERE DEFENDANT WAS CHARGE IN THE INDICTMENT, THE CHARGES IS DEFECT, AND THE INDICTMENT SHOULD BE DISMISS AND QUASH, AND APPROPRIATE RELIEF BE GRANT, AS PROVIDED IN THIS RULE, 13.5. THE FACTS ON JUNE 22, 2004, THAT NIGHT DEFENDANT WERE UNLAWFUL SEARCH, OFFICERS DID A PACK DOWN AND HIS CAR WERE SEARCH, NOTHING WERE FOUND ILLEGALLY ON THE DEFENDANT, OR IN HIS POSSESS. THEREFORE OFFICERS DID NOT GET NOTHING OFF THE DEFENDANT DOING THE SEARCH, ON COUNT ONE AND TWO, IT ADMISSIBILITY OF EVIDENCE, INDICTMENT SHOULD BE DISMISS, UNDER RULE 15, RULE 13.5 (1)(B)(C) PROVIDES

A REQUIREMENT THAT THE DEFECT BE PREJUDICIAL TO THE DEFENDANT BEFORE IT WILL BE FATAL TO A CONVICTION.

3. THIS CODE SECTION REFLECTS THE COMMON LAW VIEW THAT AN INDICTMENT CANNOT BE AMENDED EVEN AS TO IMMATERIAL MATTER, WITHOUT THE CONSENT OF THE DEFENDANT, AND IT HAS BEEN CONSISTENTLY HELD TO PERMIT AMENDMENT WITHOUT SUCH CONSENT IS REVERSIBLE ERROR. *FEARN V. CITY OF HUNTSVILLE*, [MS. 8 DIV. 450, MARCH 16, 1990] - SO. 2D - ALA. CRIM. APP. 1990).

4. COUNT ONE, COUNT TWO IS A NEW OFFENSES IN THE ORIGINAL INDICTMENT, COUNT THREE, AND COUNT FOUR, DEFENDANT WAS INDICTED ON SEPTEMBER 28, 2003, INDICTMENT SHOULD BE DISMISSED, WHEREAS, THE CHIEF JUSTICE OF THE SUPREME COURT OF ALABAMA APPOINTED COMMITTEES OF CIRCUIT COURT JUDGES AND DISTRICT COURT JUDGES TO STUDY AND RECOMMEND TIME STANDARDS OR GOALS FOR THE PROCEEDING OF CASES IN ALABAMA'S TRIAL COURTS.

FILED IN OFFICE OF  
OCT 27 2004

5. STANDARDS RELATING TO DELAY REDUCTION, R  
III. CRIMINAL. CIRCUIT FELONY, NINETY PERCENT OF ALL CIRCUIT FELONY CASES SHOULD BE ADJUDICATED OR OTHERWISE CONCLUDED WITHIN 9 MONTHS FROM THE DATE OF ARREST AND 100% WITHIN 12 MONTHS. IN SOME INSTANCES, THERE ARE REASONS BEYOND THE COURT'S CONTROL WHICH CONTRIBUTE TO THE WIDE DISPARITY FROM CIRCUIT TO CIRCUIT IN THE AVERAGE AMOUNT

OF TIME REQUIRED TO DISPOSE OF PARTICULAR TYPES OF CASE, IN RECOGNITION OF THIS FACT, SOME OF THE RECOMMENDED STANDARDS, THEREFORE, MAY PROVIDE GREATER LENGTHS OF TIME THAN THE AVERAGE AMOUNT OF TIME GENERALLY REQUIRED TO DISPOSE OF A PARTICULAR TYPE OF CASE IN A PARTICULAR CIRCUIT. HOWEVER IT IS CERTAINLY NOT INTENDED THAT THESE STANDARDS BE CONSTRUED TO SUGGEST THAT MORE TIME SHOULD BE TAKEN IN REFERENCE TO SUCH CASES. DEFENDANT REQUEST, THAT THE INDICTMENT BE DISMISSED. *MAYBERRY V. STATE*, 48 ALA, APP. 276, 244 SO.2D 198 (1971).

6. AMONG THE GRAND JURORS WHICH RETURNED THE INDICTMENT THE FOLLOWING WERE NOT QUALIFIED TO SERVE, HERE LIST OF THE INDIVIDUAL GRAND JUROR AND DISQUALIFICATION, NORMA P. DAY.

7. THE GRAND JUROR WHICH RETURNED THE INDICTMENT SET DEFENDANT BAIL FIXED AT \$200,000 FOR TWO CLASS (C) FELONY, AND TWO CLASS (A) MISDEMEANOR ALL OF WHICH PREJUDICES THE SUBSTANTIAL RIGHTS OF THE DEFENDANT, AND <sup>COURT</sup> ACT UNREASONABLY AND ARBITRARILY, BAIL IS "EXCESSIVE."

10-23-04

DATE

FILED IN OFFICE

OCT 27 2004

*Suzie End Jones*  
DEFENDANT PRO, SE.

SERVICE ON THIS THE 23<sup>TH</sup>

RULES 13.5 *AND 13.6* DAY OF OCT, 2004. *Suzie End Jones*  
I CERTIFY THAT A COPY OF THE FOREGOING PLEADING HAS BEEN SERVED UPON THE STATE OF ALABAMA AND/OR DIA FOR ALL PARTIES TO THIS PROCEED BY MAILING THE SAME TO EACH BY FIRST CLASS UNITED STATES MAIL PROPERLY ADDRESSED POSTED PREPAID.

**COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Sonja McKnight  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

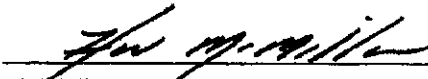
**CR-04-2480**

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court:  
CC03-187, CC03-418, CC03-419; CC04-347)

**ORDER**

Upon consideration of the above referenced appeal, the Court of Criminal Appeals orders that said appeal be and the same is hereby DISMISSED as a non-appealable order. Having this date dismissed said appeal, the Court further orders that the certificate of judgment shall issue forthwith.

Done this the 15th day of September, 2005.

  
H. W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. M. Ashley McKathan, Circuit Judge  
Hon. Roger A. Powell, Circuit Clerk  
Lora Price, Court Reporter  
A. Riley Powell, IV, Attorney  
Office of Attorney General

83435

**THE STATE OF ALABAMA - - JUDICIAL DEPARTMENT  
THE ALABAMA COURT OF CRIMINAL APPEALS**

**CR-04-2480**

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court:  
CC03-187, CC03-418, CC03-419; CC04-347)

**CERTIFICATE OF JUDGMENT**

To the Clerk of the above noted Trial Court, Greetings:

WHEREAS, the appeal in the above-referenced cause has been considered by the Court of Criminal Appeals; and

WHEREAS, an order was issued this date in said cause containing the judgment indicated below:

**Appeal Dismissed**

NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of Appellate Procedure and the order of dismissal, it is hereby certified that the aforesaid judgment is final.

Witness, Lane W. Mann, Clerk  
Court of Criminal Appeals, on this  
the 15th day of September, 2005.



Clerk  
Court of Criminal Appeals  
State of Alabama

cc: Hon. M. Ashley McKathan, Circuit Judge  
Hon. Roger A. Powell, Circuit Clerk  
A. Riley Powell, IV, Attorney  
Office of Attorney General

85455

## Alabama Court of Criminal Appeals Docket Sheet

**CR-04-2480****APP : Motion for Change of Venue or to Dismiss Indictmen****CR-04-2480**

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court: CC03-187, CC03-418, CC03-419; CC04-347)

Date Order Entered

08/25/2005

Ruling

Denied

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### Indigent

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**Notice of Appeal : 09/08/2005**

Docketed 09/13/2005 DI

Last Updated / / DI

**Post Judgment Motions****Attorneys & Officials**

Circuit Judge	M. Ashley McKathan	Andalusia, AL (334) 428-2585
Circuit Clerk	Roger A. Powell	Andalusia, AL (334) 428-2520
Ct. Reporter	Lora Price	Andalusia, AL (334) 428-2505
Atty. for Aplt.	A. Riley Powell, IV	Andalusia, AL (334) 222-4103

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**Case Actions / Postings**

09/13/2005 FILING NOTICE SENT TO COURT REPORTER.

09/13/2005 Informational Notice to Appellant/Docket Sheet to Appellee.

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**END OF DOCKETING INFORMATION**

REV. 4/1/97

# **NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS BY THE TRIAL COURT CLERK**

Laryie Earl Jones

APPELLANT'S NAME

(as it appears on the indictment)

v.

XXX

STATE OF ALABAMA

CITY OF

APPELLEE

XXX

CIRCUIT

DISTRICT

JUVENILE COURT OF

Covington

COUNTY

CIRCUIT/DISTRICT/JUVENILE JUDGE:

M Ashley McKathan, Circuit Judge

DATE OF NOTICE OF APPEAL:

September 8, 2005

(NOTE: If the appellant is incarcerated and files notice of appeal, this date should be the date on the certificate of service, or if there was no certificate of service, use the postmark date on the envelope.)

## INDIGENCY STATUS:

Granted Indigency Status at Trial Court:

Appointed Trial Counsel Permitted to Withdraw on Appeal:

Indigent Status Revoked on Appeal:

X Yes ☐ No☐ Yes X No

Yes X No

## DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed?

☐ Yes X No

## TYPE OF APPEAL: (Please check the appropriate block.)

☐ State Conviction☐ Rule 32 Petition☐ Probation Revocation☐ Mandamus PetitionX Pretrial Appeal ~~by State~~☐ Contempt Adjudication☐ Municipal Conviction☐ Writ of Certiorari☐ Juvenile Transfer Order☐ Juvenile Delinquency☐ Habeas Corpus Petition☐ Other(specify)

IF THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ORDER ISSUED BY THE TRIAL JUDGE, COMPLETE THE FOLLOWING:

TRIAL COURT CASE NO.: CC-03-187, 418, 419, &amp; CC-04-347

DATE ORDER WAS ENTERED:

PETITION: ☐ Dismissed ☐ Denied ☐ Granted

IF THIS IS AN APPEAL FROM A CONVICTION, COMPLETE THE FOLLOWING:

DATE OF CONVICTION:

DATE OF SENTENCE:

## YOUTHFUL OFFENDER STATUS:

Requested: ☐ Yes ☐ NoGranted: ☐ Yes ☐ No

## LIST EACH CONVICTION BELOW: (attach additional page if necessary)

1. Trial Court Case No. \_\_\_\_\_ CONVICTION: \_\_\_\_\_  
Sentence: \_\_\_\_\_
2. Trial Court Case No. \_\_\_\_\_ CONVICTION: \_\_\_\_\_  
Sentence: \_\_\_\_\_
3. Trial Court Case No. \_\_\_\_\_ CONVICTION: \_\_\_\_\_  
Sentence: \_\_\_\_\_

## POST-JUDGMENT MOTIONS FILED: (complete as appropriate)

	Date Filed	Date Denied	Continued by Agreement To (Date)
<input type="checkbox"/> Motion for New Trial .....	_____	_____	_____
<input type="checkbox"/> Motion for Judgment of Acquittal .....	_____	_____	_____
<input type="checkbox"/> Motion to Withdraw Guilty Plea .....	_____	_____	_____
<input type="checkbox"/> Motion in Arrest of Judgment .....	_____	_____	_____
<input type="checkbox"/> Other .....	_____	_____	_____

COURT REPORTER(S): Lora Price

ADDRESS: Covington County Courthouse

Andalusia, AL 36420

APPELLATE COUNSEL: A Riley Powell IV

ADDRESS: P O Box 969

Andalusia, AL 36420

APPELLANT: (IF PRO SE) AIS#

ADDRESS: Covington County Jail

(deft filed appeal)

290 Hillcrest Jail, Andalusia, AL 36420

APPELLEE (IF CITY APPEAL):

ADDRESS:

I certify that the information provided above is accurate to the best of my knowledge and I have served a copy of this Notice of Appeal on all parties to this action on this 8th day of September, 2005.

*Rogan A. Powell*  
CIRCUIT COURT CLERK



IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

LARYIE EARL JONES, .

APPELLANT, .

V. .

STATE OF ALABAMA, .

APPELLEE. .

CASE No: CC-2003-187-418-419

CL-2004-347

NOTICE OF APPEAL TO THE COURT  
OF CRIMINAL APPEAL OF  
ALABAMA

COME NOW THE APPELLANT LARYIE EARL JONES,  
PRO, SE, MOVES THE COURT TO APPEAL HIS  
MOTION FOR CHANGE OF PLACE OF TRIAL OR  
DISMISS THE INDICTMENT. THIS COURT DENIED  
MOTION AUG-25-05, APPELLANT REQUEST  
THAT HIS MOTION BE APPEAL TO THE COURT  
OF CRIMINAL APPEAL AT THE EARLIEST POSSIBLE  
TIME.

RESPECTFULLY SUBMITTED THIS THE 31 day of  
AUG, 2005

Laryie Earl Jones  
SIGNATURE OF APPELLANT



FILED IN OFFICE

SEP 08 2005

*Regina M. Pinner*   
Clerk



IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

EX PARTE LARRY EARL JONES,

PETITIONER,

V

CASE No. CC 2003-419-419-18

STATE OF ALABAMA,

DEFENDANT,  
RESPONDANT.

"FOR WRIT OF HABEAS CORPUS"

COME NOW LARRY EARL JONES, PRO SE, AND PETITIONS THE ABOVE-NAMED COURT FOR A WRIT OF HABEAS CORPUS TO PREMISE CONSIDERED OF ACTION SHOULD BE TAKING, OF COVINGTON COUNTY CIRCUIT COURT AND SHOWS THE FOLLOWING IN SUPPORT OF THIS PETITION.

1 ON OR ABOUT SEP, 17, 2002, PETITIONER WERE ARRESTED AND CHARGED WITH POSS OF DRUG PARAPHENALIA, SEE ATTCH SHEETS, ALABAMA UNIFORM ARREST REPORT PAGE "1" ONE, ALSO SEE PAGES 2 TWO 3 THREE, ON ALL THREE CHARGES, THE PARAPHENALIAS WERE SENT TO DEPARTMENT OF FORENSIC SCIENCES, TO BE TESTED FOR RESIDUE. ALL THREE CAME BACK POSITIVE, PETITIONER WERE CHARGED THREE COUNTS POSS. CONTROLLED SUBSTANCE AN CLASS (C) FELONY AND THREE CLASS (A) MISDEMEANOR.

## FACTS

2. THE UNSENTENCE PETITIONER IS BEING HELD IN THE COVINGTON COUNTY JAIL, SINCE JUNE 22, 2004, WITH AN EXCESSIVE BAIL OF \$200,000. PETITIONER REQUEST THAT HE BE RELEASED BECAUSE HE ALLEGING THAT HE HAS BEEN DEPRIVED OF HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BY STATE'S FAILURE TO TIMELY BRING HIM TO TRIAL ON ALL CHARGES. HE AVERS THAT HE HAS FILED MOTIONS TO DISMISS THE INDICTMENT, ON FILE NOV 3, 2004. AND PETITIONER FILED MOTION FOR BOND REDUCTION OCT 23, 2004. PETITIONER ENCLOSE COPIES, FOR THE COURTS. NO ANSWER OR RETURN WAS FILED BY THE STATE REFUTING THE ALLEGATIONS OF THE MOTIONS, THUS, FOR THE PURPOSE OF THESE PROCEEDING, THE ALLEGATIONS MUST BE TAKEN AS TRUE, AND THAT THE STATE OF ALABAMA HAS FAILED TO MAKE A GOOD FAITH EFFORT TO BRING HIM TO TRIAL HE CLAIMS WHILE INCARCERATED AT COVINGTON COUNTY JAIL OR BEFORE HE BECAME INCARCERATED. HE HELD WITH AN EXCESSIVE \$200,000 BAIL. MOTION FOR FAST AND SPEEDY TRIAL FILED OCT 29, 2004. ENCLOSE COPIES.
3. THE SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL IS ENFORCEABLE AGAINST THE STATES BY VIRTUE OF THE FOURTEENTH AMENDMENT. SMITH V. HOOEY, 393 U.S. 374 89 S. CT. 575, 21 L. ED. 2D 60 (1969). THIS CONSTITUTIONAL GUARANTEE HAS UNIVERSALLY BEEN THOUGHT ESSENTIAL TO PROTECT AT LEAST THREE BASIC DEMANDS OF CRIMINAL JUSTICE IN THE ANGLO-AMERICAN LEGAL SYSTEM: (1) TO PREVENT UNLAWFUL AND OPPRESSIVE INCARCERATION PRIOR TO TRIAL, (2) TO MINIMIZE ANXIETY AND CONCERN ACCOMPANYING PENDING PROSECUTION, AND (3) TO

To Limit the Possibilities that Long Delay Will Impair the Ability of an Accused to defend himself, These Demands are both Aggravated and Compounded in the case of an Accused who is imprisoned and that's grounds to be Release from "Custody". Petitioner Constitutional Right to a Speedy Trial is Violated may be granted Relief by Habeas Corpus where his Motion for Dismissal is denied and no other Remedy is available, *Blake v. State*, 448 So. 2d 968 (Ala. Cr. App. 1984). Also see United States Code, Crimes and Criminal Procedure, 2421 - 3530 - Title (18 U.S.C.S., Chapter - 208, Speedy Trial Sections - 3161(A-F-H), - 3162(A-2-B-4) - 3163(B-1-2-C) - 3164(A-B-C), (SANCTIONS) (VIOLATION) STATE HAS FAILED TO COMPLY - CRIMES AND CRIMINAL PROCEDURE RULES, that grounds for Petitioner to be Release from "Custody" Also see the RULES OF EVIDENCE - RULE 403. grounds of Prejudice, Confusion, AND WASTE OF TIME. There's Evidence Excluded by the State its Probative Value is Substantially Outweighed by the Danger of Unfair Prejudice Confusion of Issues of the Indictment AND the Jury were misled in setting an excessive \$200,000 bail, by consideration of undue delay, because of Sanctions Violation. There should not be a trial, it's a waste of time. Petitioner said if he doesn't get the Dismissal of the Indictment, he will go higher to next court.

## "RELIEF SOUGHT"

4. PETITIONER HAS BEEN OUT ON THE SAME BAIL A YEAR 1/2. THE ST. had A CONSTITUTIONAL DUTY TO MAKE A DILIGENT, GOOD FAITH E. TO BRING HIM TO TRIAL FOR THE CHARGES, STATE'S FAILED TO. PETITIONER WAS LABELED AS A KNOWN DRUG ADDICTS IN THE YEAR OF 2002, THAT WHEN HE GOT THIS CHARGES, PETITIONER DID SEEK FOR HELP THANK TO THE JAIL, THE PETITIONER FOUND A PROGRAM NEW LIFE CENTER CHRISTIAN RECOVERY PROGRAM 317 NORTH MAIN STREET ENTERPRISE, AL 36336. AT THE TIME HON. GRAY LANIER WERE PETITIONER ATTORNEY. THE ST. SHOW PREJUDICE BY REFUSE OR ALLOW NOT TO BE RELEASE. PETIT ENCLOSE THE LETTER PAGE ④ FOUR EXCESSIVE \$200,000 BAIL, SEE AMEND. 8 NOTE 47B EXCESSIVE BAIL, ETC. PAGE 2 ALCOHOLICS AND DRUG ADDICTS SHOULD NOT BE PERMITTED TO GO THROUGH WITHDRAWAL IN COUNTY JAIL WITHOUT PROPER MEDICAL ATTENTION AND CARE IN A SUITABLY EQUIPPED MEDICAL FACILITY. THEREAFTER THEY SHOULD NOT BE INCARCERATED IN MAIN COUNTY JAIL BUT RATHER SHOULD BE DIVERTED TO INCARCERATION AT COUNTY REHABILITATION CENTER OR OTHER AVAILABLE SITES UNDER THE GUIDANCE OF PROPERLY TRAINED PERSONNEL. THE DENIAL PETITIONER RIGHTS TO REHABILITATION CENTER PREJUDICE THE PETITIONER. ALBERTI V. SHERIFF OF HARR COUNTY, TEXAS D.C. TEX. 1975, 406 F. SUPP. 649.

## "RELIEF SOUGHT"

5. AT HEART OF IS U.S.C.S 3161 ET SEQ AND A R. A STANDARD

## "RELIEF SOUGHT"

IS PRINCIPLE THAT PETITIONER MUST BE DISCHARGED IF NOT BROUGHT TO TRIAL WITHIN SPECIFIED NUMBER OF DAYS; SUCH ABSOLUTE TIME PRESSURE, LEADING TO DISMISSAL OF INDICTMENT IF SCHEDULE IS VIOLATED, ARGUABLY SUGGEST AND MAY EVEN REQUIRE EXCEPT TO SCHEDULE FOR CERTAIN VARIABLES NOT SUBJECT TO STRICT CONTROL BY TRIAL COURT MANAGERS. DAY V. UNITED STATES (1978, DISC APP) 390 A 2d 957. CONGRESS HAS FORMALIZED CONCERN OVER DELAY IN DISPOSITION OF CRIMINAL CASE BY ENACTMENT OF SPEEDY TRIAL ACT OF 1974 (18 U.S.C.S 3161 ET SEQ), AND COURT HAS DEMONSTRATED ITS CONCERN FOR MINIMIZING UNDOE DELAY IN DISPOSITION OF CRIMINAL CASE BY ADOPTING PLAN TO ACHIEVE THIS DESIRED GOAL PURSUANT TO RULE 50 (B); THEREFORE MOTION OF PETITIONER TO DISMISS INDICTMENT PURSUANT TO RULE 48 (B) SHOULD BE GRANTED. UNITED STATES V. DOWD (1975, DC MINN) 394 F SUPP 1250. RELIEF SHOULD BE SOUGHT IN THIS CASES

6. REASONS WHY THE WRIT SHOULD ISSUE,  
A. PETITIONER HAS BEEN IN AND OUT OF JAIL SINCE THE YEAR OF 2002, EACH TIME HE WOULD BE INCARCERATED (4) MONTHS OR MORE THEM MONTHS ADD UP OVER A YEAR OR MORE.

B. PETITIONER HAS SUFFER A LOTS OF PAIN, AND HIS LOSS, HE JUST WANT TO GET ON WITH HIS LIFE HIS FAMILY AND LOVE ONES MISS HIM AND NEED HIM.



REASON WHY THE WRIT SHOULD ISSUE AND HIS SUPPORT, SINCE HIS INCARCERATION HIS FAMILY SUFFER HARSHIP. MOSTLY WHY THE WRIT SHOULD ISSUE PETITIONER HAS SUFFER PREJUDICE BY THE STATES, STATES DEPRIVED PETITIONER OF HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BY FAILURE TO TIMELY BRING HIM TO TRIAL, THE STATES PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGH BY THE DANGER OF UNFAIR PREJUDICE IN SETTING AN EXCESS \$200,000 BAIL, SO PETITIONER COULD NOT MAKE BAIL TO GO TO REHABILITATION CENTER, STATES VIOLATE SANCTIONS

(REASON WHY THE WRIT SHOULD ISSUE.)  
C. THE <sup>STATES</sup> SHOULD HAVE MADE A RULING ON MOTION TO DISMISS THE INDICTMENT OR RULE ON MOTION TO REDUCE BOND. THE <sup>STATES</sup> SHOULD HAVE MADE A RULING ON ALL MOTIONS THAT PETITIONER FILED IN THE CIRCUIT COURT.

(REASON WHY THE WRIT SHOULD ISSUE.)  
D. THE PETITIONER WOULD LIKE TO LEAVE THE STATE OF ALABAMA, THAT'S WHY THE WRIT SHOULD ISSUE SO PETITIONER AND HIS FAMILY CAN GET ON WITH THERE LIVES, THE INDICTMENT SHOULD BE DISMISS, SO PETITIONER AND HIS FAMILY COULD GET ON WITH THERE LIVES.

E. PETITIONER HAS DID ALL HIS <sup>TIME</sup> FOR DRUG PARAPHENALIA A MISDEMEANOR TIME SERVE, "THE WRIT SHOULD ISSUE," BECAUSE OF THE FACTS, THAT THE PETITIONER SHOULD BE RELEASE FROM HIS UNLAWFULLY INCARCERATION.

RESPECTFULLY SUBMITTED THIS THE 28 DAY OF FEB. 25 ~~Signed~~  
 WHEREFORE, THE PREMISES CONSIDERED, PETITIONER PRAYS  
 THE COURT GRANT THE PETITION AND ORDER THAT AN ANSWER  
 TO THE PETITION BE FILED BY RESPONDENTS, AT THE EARLIEST  
 TIME POSSIBLE.

I CERTIFY THAT I HAVE THIS THE 28 DAY OF FEB  
 2005, SERVED COPIES OF THIS PETITION ON THE RESPOND  
 JUDGE AND ALL OTHER PARTIES TO THE ACTION IN THE TRIAL  
 COURT.

Suzie Earl Jones  
 PETITIONER.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE WRIT  
 OF HABEAS CORPUS PETITION IS TRUE AND CORRECT.

FEB 28 2005

DATE

Suzie Earl Jones  
 PETITIONER.



NAME AS RESPONDENTS, INCLUDE COURT OF CRIMINAL APPEALS STATE OF ALABAMA, WITH COURT EVIDENCING, THAT CONFORMS TO THE DIRECTIVES OF RULE 21(C).

### CERTIFICATE OF SERVICE

18669

I CERTIFY THAT A COPY OF THE FOREGOING, HABEAS CORPUS, PETITION HAS BEEN SERVED ON EACH OF THE PARTIES NAMED AS RESPONDENTS / OR FOR ALL PARTIES TO THIS PROCEED BY MAILING THE SAME TO EACH BY FIRST CLASS UNITED STATES MAIL PROPERLY ADDRESSED AND POSTED PREPAID OR BY PERSONAL SERVICE ON THIS 15 DAY OF MAR 2005, BECAUSE OF THIS HABEAS CORPUS, PETITION, PETITIONER IS BEING HELD WITHOUT AN BAIL, Sayre Earl Lory THE REASON IS UNKNOWN, WHY? PETITIONER.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

MAR 15 2005  
DATE

Sayre Earl Lory  
PETITIONER.

### RESPONDENTS ADDRESS,

HON. M. ASHLEY McATHAN, CIRCUIT JUDGE - COVINGTON COUNTY COURTHOUSE, ANDALUSIA, AL 36420.

HON. ROGER A. POWELL, CIRCUIT CLERK - COVINGTON COUNTY COURTHOUSE, ANDALUSIA, AL 36420.

LORRY PRICE, COURT REPORTER - COVINGTON COUNTY COURTHOUSE ANDALUSIA, AL 36420.

SYDNEY ALBERT SMITH, ATTORNEY - P.O. DRAWER 389, ELBA, AL 36323.

HON. EUGENIA L. LOGGINS, DISTRICT ATTORNEY - COVINGTON COUNTY COURTHOUSE ANDALUSIA, AL 36420.

HON. TROY KING, ATTORNEY GENERAL - 11 SOUTH UNION STREET, MONTGOMERY AL 36130 - 0152.